

07 JUL '20 07:04 REC'D USDC-ORP

Andrew Kowalczyk # 39532-086
USP Tucson
U.S. Penitentiary
P.O. Box 24550
Tucson, AZ 85734

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

A.B. et al)	Case No. 3:19-cv-1521-MO
)	
v.)	MOTION FOR DISMISAL ON D.L. FOR
)	STATUTE OF LIMITATION EXPIRED UNDER
ANDREW KOWALCZYK)	18 USC 2255, SHE 22-23 AND MOTION FOR
)	CONTINUANCE OF UNKNOWN DURATION
Defendant)	

Defendant hereby moves for dismissal on D.L. for statute of limitation expired under 18 USC 2255 , she 22-23. Defendant also moves for continuance of unknown duration.

Defendant was only able to get a single page note to father dated 6/24/20 regarding this matter (attachment 1 copy). It was received by father on 7/6/2020 (attachment 2 copy of envelope). According to phone call from defendant's to appellate attorney Thomas Jacobs who also is in Tucson, Arizona entire U.S. Petitionary in Tucson has been on total lockdown for weeks as a result of extremely serious COVID-19 out break in the state of Arizona which is among the three most serious cases in the U.S (Texas and Florida being the other two). Two staff from the US Penitentiary at Tucson are listed as having COVID-19 at this time. Mr. Jacobs has very limited contact with defendant but a phone call with defendant on 7/3/20 did indicate defendant is still in 24-hour cell lock down as are all other inmates, he does not have any of his legal material and virtually no paper to write on.

In the single page note to father defendant asked father to file this motion for dismissal on his behalf.

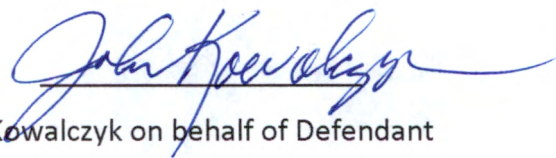
Defendant also mentions in this one page note several problems with court including not getting copies of what he mails to be filed, concern some things he has sent have not be filed, and he maintains he never was served summons and complaint "personally" by Yavapai county sheriff as is claimed

He also states he has written court clerk for forms 6-8 times since November, 2019. He wanted a separate motion on this issue but it is unclear to father exactly what the purpose is of such a motion.

Given the above situation father notes from the docket that it is clear defendant cannot meet the 7/8/2020 deadline to submit his response to Plaintiffs Motion for Summary Judgment. A continuance of unknown duration is needed. A specific time for a continuance can only be requested when the total lockdown at the US Penitentiary at Tucson is ended and defendant get his legal material returned.

July 6, 2020

Date

A handwritten signature in blue ink, appearing to read "John Kowalczyk", written over a horizontal line.

John Kowalczyk on behalf of Defendant

Attachment 1 One-page note from defendant dated 6/24/20.

Attachment 2. Envelope containing attachment 1 dated 30 Jun 2020 received by defendant's father on 7/6 2020.

6/24/20

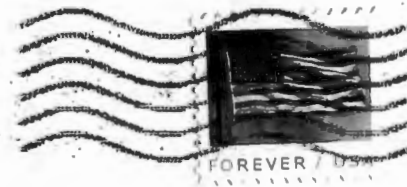
Another continuance on civil case

needs to be filed. The court gave
to July 8th only, yet off lock down
possibly June 30th, then reevaluated
only on June 30th. The court is
not giving me copies of what I
mailed them to file, I don't think
they are filing what I send! I've
requested In forma Pauperous
status for 10 subpoenas to
use on Sheridan staff to prove
I was never served summons
and complaint "personally" by
Pamunhill county sheriff as they
claim. I've mailed court, wrote
court clerk for forms 6-8 times
since November 2019! Bring this
up in another motion to court
on my behalf - I have no access
to any legal material needed in past
10 days! 8 day not enough! I've sent
20 filings - ask court why not on docket!
State I move dismissal on D.C. for statute of limitations

Andrew Kowalczyk
39532086
United States Penitentiary
P.O. Box 24550
Tucson, AZ 85734

PHOENIX AZ 852

30 JUN 2020 PM 11 L



John Kowalczyk
6320 SW 166th PL
Beaverton, OR 97007

97007-625820



ATTACHED